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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/449,611	11/30/99	SHIMURA K	056989

MMC1/1024
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EXAMINER	
PARKER, K	
ART UNIT	**PAPER NUMBER**
2871	

DATE MAILED: 10/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/449,611	Applicant(s) Shimura
	Examiner Kenneth Parker	Group Art Unit 2871

☒ Responsive to communication(s) filed on *Aug 10, 2000*.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *14-25* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *14-25* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☒ received in Application No. (Series Code/Serial Number) *08/941,391*.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> **The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.**

2. Claims 14-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term pixel has two established uses, and which one is intended here is critical yet unclear. A pixel can be a "pel" or triad, i.e., a set of three pixel electrodes, or a single controllable region, i.e., a single pixel electrode. Reviewing the specification it appears as though what applicant is referring to is a single pixel electrode, an this is the meaning that will be assumed for examining purposes.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> **A person shall be entitled to a patent unless --**
>
> **(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.**
>
> **(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.**
>
> **(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.**

3. Claim 14-17-20, 22, 24 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Parulskie et al, U.S. Patent # 5,828,406.

This reference discloses LCD's having pixels with widths 2/3rds of their heights (column 1, lines 60-65). Parulski discusses the remapping of the pixels (see abstract associated figure). Therefore, these claims are anticipated by this reference.

4. Claims 14-15, 17-24 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ishimoto et al, U.S. Patent # 5,594,564.

This reference discloses pixels with a 30 to 1 height to width (see abstract, title and associated figures). Therefore, these claims are anticipated by this reference.

5. Claim 14-15, 17-24 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Aoki et al, U.S. Patent # 4,654,117.

Aoki discloses a liquid crystal device in which three pixel electrodes with a width of approximately 1/3 of the high are used side by side to create a full color display. As discussed in the rejection under 112 above, it is unclear what meaning applicant is intending to use for pixel, so the common usage established in the LCD technology of a pixel being defined by the pixel electrode. Therefore, the disclosures of figures 6 and 7 anticipate the claimed invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> **(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.**

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parulskie et al, U.S. Patent # 5,828,406.

Lacking form the disclosure is the claimed brightness level. **It was well known that higher brightness was more desirable for the end user, and therefore it would have been obvious, to employ a high brightness light source producing a high brightness image as was well known in the industry as desirable.

7. Claims 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishimoto et al, U.S. Patent # 5,594,564.

Lacking form the disclosure is the claimed brightness level. It was well known that higher brightness was more desirable for the end user, and therefore it would have been obvious, to employ a high brightness light source producing a high brightness image as was well known in the industry as desirable.

Additionally, the rescaling of images and the conversion of a black and white image to be displayed in a color display were **conventionally employed in computers which drove LCDs, and well known for enabling the viewing of arbitrary images, and therefore obvious for the conventional nature as well as the advantage of enabling the viewing of arbitrary images.

8. Claims 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al, U.S. Patent # 4,654,117.

Lacking form the disclosure is the claimed brightness level. It was well known that higher brightness was more desirable for the end user, and therefore it would have been obvious, to employ a high brightness light source producing a high brightness image as was well known in the industry as desirable.

Additionally, the rescaling of images and the conversion of a black and white image to be displayed in a color display were **conventionally employed in computers which drove LCDs, and well known for enabling the viewing of arbitrary images, and therefore obvious for the conventional nature as well as the advantage of enabling the viewing of arbitrary images.

***Any item marked with (**) is given as official notice.*

Note: Any assertions that an element, practice or relationship was conventional has the incorporates the motivations of the benefits of having established supply chains, well understood behavior and manufacturing methodologies.

Election/Restriction

Applicant's election of group II, claims 14-25, are acknowledged. Although the claims 1-13 are in fact canceled, the restriction is maintained in so far as it pertains to any claims submitted in any additional amendments.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Parker whose telephone number is **(703) 305-6202.** The fax phone number for this Group is **(703) 308-7722.** Any inquiry of a general nature or relating to the status of this application or preceding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

October 22, 2000

KENNETH ALLEN PARKER
PRIMARY PATENT EXAMINER
GAU 2871